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4 **UNITED STATES DISTRICT COURT**  
5 **DISTRICT OF NEVADA**  
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7 2:09-CV-32 JCM (VCF)

8 VOLVO CONSTRUCTION  
9 EQUIPMENT RENTS, INC.,

10 Plaintiff,

11 v.

12 NRL RENTALS, LLC, et al.,

13 Defendants.  
14

15 **ORDER**

16 Presently before the court is plaintiff's unopposed motion for permission to allow witness  
17 to appear by contemporaneous transmission from a different location. (Doc. # 600).

18 Brian Bradley ("Bradley") is a key trial witness and former employee of plaintiff. Bradley  
19 presently works for Barrick Gold Corporation at a remote mine location on the border of Argentina  
20 and Chile.

21 Federal Rule of Civil Procedure 43(a) provides that "compelling circumstances and with  
22 appropriate safeguards, the court may permit testimony in open court by contemporaneous  
23 transmission from a different location."

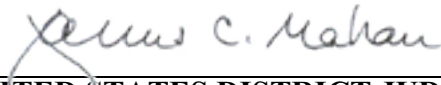
24 Plaintiff represents that Bradley is willing to testify at trial. However, Bradley cannot  
25 physically return to the United States due to his current employer's business needs and his own  
26 responsibilities associated with running the mine camp. Further, the economic costs of returning to  
27 the United States are prohibitive. Bradley may testify at trial via contemporaneous transmission  
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1 provided that he remains available for cross examination.

2 Good cause appearing,

3 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff's motion for  
4 permission to allow witness to appear by contemporaneous transmission from a different location  
5 (doc. # 600) be, and the same hereby is, GRANTED.

6 DATED August 30, 2012.

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UNITED STATES DISTRICT JUDGE